

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MEREDITH CHADWICK RAY and)
PHILLIP RAY,)
)
Plaintiffs,)
)
v.) Civil Action No.: 3:07CV175-WHA
)
FORD MOTOR COMPANY,)
)
Defendant.)

MOTION FOR PROTECTIVE ORDER

COMES NOW the Defendant, FORD MOTOR COMPANY, and moves this Court for entry of the attached Protective Order in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). In support of this Motion, Defendant states as follows:

1. This lawsuit arises out of an accident wherein it is alleged that Plaintiff Meredith Chadwick Ray received injuries.
2. The records from those providing medical treatment to Meredith Chadwick Ray are relevant to the Plaintiffs' claims in this case.
3. Defendant's counsel sent correspondence to Plaintiffs' counsel on May 7, 2007 requesting voluntary agreement and consent to the entry of the proposed

HIPAA Order (attached as Exhibit "A"). As of today's date Plaintiffs' counsel has not responded to Defendant's counsel regarding this issue.

WHEREFORE, PREMISES CONSIDERED, Defendant requests this Court enter the attached HIPAA Protective Order.

s/Bradley J. McGiboney
D. Alan Thomas (dat@hfsllp.com)
Bradley J. McGiboney (bjm@hfsllp.com)

Attorneys for Defendant
FORD MOTOR COMPANY

OF COUNSEL:

Huie, Fernambucq & Stewart, LLP
Three Protective Center
2801 Highway 280 South, Suite 200
Birmingham, Alabama 35223
(205) 251-1193

CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the foregoing document with the Clerk of Court using the CM/ECF system to the following CM/ECF participants:

D. Michael Andrews, Esq.
BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
P.O. Box 4160
Montgomery, Alabama 36104

This 27th day of June, 2007.

s/Bradley J. McGiboney
Of Counsel

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FORD MOTOR COMPANY,)
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Defendant.)

HIPAA PROTECTIVE ORDER

The parties are hereby granted the right, upon compliance with the applicable discovery provisions of the Federal Rules of Civil Procedure and the Orders of this Court, to obtain from any health care provider, health plan, or other entity covered by the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (1996) ("HIPAA"), any and all information relating to the past, present, or future medical condition of any individual who is a party to this action (or the decedent or ward of a party who sues in a representative capacity), as well as any and all information relating to the provision of health care to such individual and payment for the provision of such health care.

This Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose the Protected Health Information in response to such request or subpoena. This Order is intended to authorize such disclosures under the privacy regulations issued pursuant to HIPAA. 45 C.F.R. § 164.512(e)(1)(i).

The parties are expressly prohibited from using or disclosing the protected health information obtained pursuant to this Order for any purpose other than this action. Further, the parties are ordered to either return to the covered entity from whom or which such protected health information was obtained, or to destroy the protected health information (including all copies made), immediately upon conclusion of this action. See 45 C.F.R. §§ 163.502(b); 164.512(e)(1)(v).

DONE and ORDERED this _____ day of _____, 2007.

UNITED STATES DISTRICT JUDGE

HUIE, FERNAMBUCQ & STEWART, LLP

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May 7, 2007

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RE: *Meredith Chadwick Ray and Phillip Ray v. Ford Motor Company*

Dear Mike:

Per my telephone voicemail left on March 26, 2007, I am enclosing a draft copy of a Motion for Protective Order for the subject 2002 Mercury Mountaineer (VIN 4M2ZU66W02UJ37911), as well as a Motion for a HIPAA Order. Please let me know if you have an objection to either of these Motions or whether we can file these as joint motions.

I look forward to working with you in this case. If you have any questions or comments, do not hesitate to contact me at the above number.

With best regards, I am

Sincerely yours,

HUIE, FERNAMBUCQ & STEWART, LLP

By:



Bradley J. McGiboney

BJM/mab
 Enclosures
 cc: D. Alan Thomas, Esq.

EXHIBIT "A"